

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 6, 7, and 17 have been cancelled, and Claims 1, 2, 4, 5, 10-12, 14-16, 18-25, 27, 28, 31, 37-39, 42, 48-50, 53, 54, and 59 are currently being amended. With the amendments to the claims set forth above, claims 1-5, 8-16, and 18-60 are now pending in this application.

I. Claim Amendments

Claims 1, 2, 4, 5, 10-12, 14-16, 18-25, 27, 28, 31, 37-39, 42, 48-50, 53, 54, and 59 are currently being amended to correct typographical errors and to more clearly define Applicants' invention. Applicants respectfully submit that no new matter has been added to the Claims. Applicants also respectfully submit that the claim amendments do not necessitate a new search by the Examiner.

II. Claim Rejections Under 35 U.S.C. § 112

In Section 2 of the Office Action, Claims 14-17 are rejected under 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner states that "the phrase 'such as' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention." Claim 17 has been cancelled, and Claims 14-16 have been amended to remove any indefinite language. Specifically, Claim 14 has been amended to recite "wherein a number of information bits for a transport format of the current transmission equals a number of information bits for a transport format defined in the earlier transmission." Applicants respectfully submit that Claims 14-17 are in compliance with 35 U.S.C. § 112. As such, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

III. Claim Rejections Under 35 U.S.C. § 102(b)

In Section 4 of the Office Action, Claims 1-13, 18, 19, and 24-60 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Application Publication No. 2003/0039270 to Chang *et al.* (hereinafter "Chang"). Applicants respectfully traverse the rejection.

A. Claims 1, 25, 27, 38, and 49

Chang does not teach, suggest or describe:

predetermined bit pattern that indicates whether control information in the current transmission can be used alone for decoding a transport channel, or whether at least a portion of control information from an earlier transmission must also be used to decode the transport channel

as recited in independent Claims 1, 25, 27, 38, and 49. Applicants respectfully submit that Chang does not teach, suggest, or describe such a predetermined bit pattern.

In Section 4 of the Office Action, the Examiner states:

Chang teaches ... a predetermined bit pattern that indicates whether control information in the current transmission can be used alone for decoding, or whether some part of the control information from an earlier transmission must also be used (*i.e.*, transmitting a MAC signaling message including control information and a signaling indication indicating transmission of control information [0033], [0035], [0062]-[0064], and [0068]).

Applicants respectfully disagree. Chang discloses a “signaling method between a MAC ... layer entity of a transmission apparatus and a MAC layer entity of a reception apparatus in a packet communication system” (Abstract).

In paragraph [0033], Chang does disclose “transmitting a MAC signaling message including control information and a signaling indication indicating transmission of the control information” Chang further discloses that “a MAC header according to ... the present invention has a MAC signaling indication field [I]f the indication bit is ‘0’, it indicates a conventional MAC PDU. However, if the indication bit is ‘1’, MAC SDU ... is comprised of only control information for MAC signaling.” (Paragraph [0063].) Thus, Chang discloses a signaling indication which indicates the presence of control information in a MAC signaling message. However, Chang does not teach, suggest, or describe a “predetermined bit pattern” that “indicates **whether control information in the current transmission can be used alone** for decoding” “**or whether at least a portion of control information from an earlier transmission must also be used**” for the decoding, as recited in Claims 1, 25, 27, 38, and 49.

(Emphasis added.) Applicants respectfully submit that indicating the presence of control information is not the same as providing an indication of whether control information in a current transmission can be used alone to decode a transport channel. Further, indicating the presence of control information is not the same as providing an indication that at least a portion of control information from an earlier transmission must be used to decode the transport channel.

For at least these reasons, Applicants respectfully submit that Chang does not teach each of the limitations of independent Claims 1, 25, 27, 38, and 49. Applicants respectfully request withdrawal of the rejection of Claims 1, 25, 27, 38, and 49 under 35 U.S.C. § 102(b). Applicants also respectfully request withdrawal of the rejection of dependent Claims 2-13, 18, 19, and 24, 26, 28-37, 39-48, and 50-60 for at least the same reasons.

B. Claims 2, 28, 39, and 50

Claims 2, 28, 39, and 50 recite that “a transport format combination indicator (TFCI) in the current transmission contains the control information.” On Page 3 of the Office Action, the Examiner states that “Chang teaches a transport format combination indicator (TFCI) in the current transmission contains the control information ([0077]).” Applicants respectfully disagree.

In paragraph [0077], Chang discloses that “[a] dedicated physical control channel (DPCCH) per slot includes Pilot, TFCI (Transport Format Combination Indication), FBI (Feedback Information) and TPC (Transmit Power Control) bits” Chang does not teach, suggest, or describe that the TFCI bits contain control information. Applicants respectfully submit that a DPCCH which includes TFCI bits is not the same as a TFCI which “contains the control information,” as recited in Claims 2, 28, 39, and 50. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claims 2, 28, 39, and 50 under 35 U.S.C. § 102(b).

C. Claims 3, 29, 40, and 51

Claims 3, 29, 40, and 51 recite that “a transport format combination indicator (TFCI) in the current transmission contains the predetermined bit pattern.” On Page 3 of the Office Action, the Examiner states that “Chang teaches a transport format combination indicator

(TFCI) in the current transmission contains the predetermined bit pattern ([0068] and [0077]).” Applicants respectfully disagree.

Paragraph [0068] of Chang does not mention a transport format combination indicator. In paragraph [0077], Chang discloses that “[a] dedicated physical control channel (DPCCH) per slot includes Pilot, TFCI (Transport Format Combination Indication), FBI (Feedback Information) and TPC (Transmit Power Control) bits” Chang does not teach, suggest, or describe that the TFCI bits contain a predetermined bit pattern. Applicants respectfully submit that a DPCCH which includes TFCI bits is not the same as a TFCI which “contains a predetermined bit pattern,” as recited in Claims 3, 29, 40, and 51. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claims 3, 29, 40, and 51 under 35 U.S.C. § 102(b).

D. Claim 12

Claim 12 recites that “the TFCI includes one bit comprising a TFCI flag indicating how to decode data blocks in a current data frame.” On Page 4 of the Office Action, the Examiner states that “Chang teaches the TFCI contains one bit in the form of a TFCI flag indicating how to decode data blocks in a current data frame ([0021], [0068], and [0077]). Applicants respectfully disagree.

Paragraphs [0021] and [0068] of Chang do not mention a transport format combination indicator (TFCI) or a TFCI flag. In paragraph [0077], Chang discloses that “[a] dedicated physical control channel (DPCCH) per slot includes Pilot, TFCI (Transport Format Combination Indication), FBI (Feedback Information) and TPC (Transmit Power Control) bits” Chang does not teach, suggest, or describe that the TFCI contains one bit in the form of a TFCI flag. Applicants respectfully submit that a DPCCH which includes TFCI bits is not the same as a TFCI “comprising a TFCI flag indicating how to decode data blocks,” as recited in Claim 12. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claim 12 under 35 U.S.C. § 102(b).

IV. Allowable Subject Matter

In Section 5 of the Office Action, the Examiner states that “Claims 14-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 ... and to include all

of the limitations of the base claim and any intervening claims.” In Section 6 of the Office Action, the Examiner states that “Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Applicants thank the Examiner for noting the allowable subject matter. However, as discussed above, Applicants respectfully submit that Claim 1 is now in condition for allowance. For at least the same reasons, Applicants respectfully submit that Claims 14-16 and 20-23, which depend from Claim 1, are also in condition for allowance. Claim 17 has been cancelled.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a credit card payment being in the wrong amount, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 9, 2007

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